

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: G. Spangenberg et al.

Attorney Docket No.: CASM126914

Application No.: 10/561,283

Art Unit:

Based on PCT/AU2004/000802

International Filing Date: June 18, 2004

Title: RYEGRASS POLLEN-SPECIFIC PROMOTERS AND EXPRESSION
CONSTRUCTS

CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(d)

The undersigned Assignee of the entire interest in the above-identified patent application hereby consents to the deletion of Michael Emmerling, as an inventor in the above-identified patent application, as set forth in the accompanying Petition.

Ownership by the Assignee establishing the right of the Assignee to take action in this matter is shown by an Assignment duly executed by German Spangenberg, Angela Jane Lidgett, Natasha Petrovska and Michael Emmerling of their rights in the invention and in Australian Patent Application No. 2003903132, priority from which is claimed in the above-identified application, to Molecular Plant Breeding Nominees, Ltd., a copy of which is attached.

MOLECULAR PLANT BREEDING
NOMINEES, LTD.

By: Cheryl McCaffrey
Name: Cheryl McCaffrey
Title: Company Secretary
Date: April 4, 2006.

This assignment deed

is made on the date specified in the schedule between the following parties:

1. The person named in the schedule as the Assignor
(Assignor)
2. The person named in the schedule as the Assignee
(Assignee)

Recitals

- A. The Assignor is the **owner/inventor** of the Intellectual Property described in the schedule.
- B. The Assignor has agreed to assign its whole right, title and interest in the Intellectual Property to the Assignee.

This deed witnesses

that in consideration of, among other things, the mutual promises contained in this deed, the parties agree:

1 Assignment

The Assignor assigns to the Assignee and the Assignee accepts the Assignor's whole right, title and interest in and to the Intellectual Property, free from all encumbrances, together with:

- (a) full right, sole power and authority to the Assignee to apply for and obtain entry of the Assignee's name in any registers of intellectual property that are appropriate as being the sole proprietor of the Intellectual Property; and
- (b) all rights, if any, that the Assignor has to take action against third parties for infringement of the Intellectual Property, whether or not the infringement took place before the date of this deed.

2 Further action

The Assignor must execute all documents necessary to enable the Assignee to have the Assignee's name entered in any registers of intellectual property that are appropriate as being the sole proprietor of the Intellectual Property.

Schedule

Date of assignment: 18 June 2004

Assignors: German Spangenberg of 56 Arthur Street, Bundoora, Victoria 3083, Australia;

Angela Jane Lidgett of 13 Moore Street, Richmond, Victoria 3121, Australia;

Natasha Petrovska of 67 Barry Road, Thomastown, Victoria 3074, Australia;

Michael Emmerling of 249 Nepean Street, Greensborough, Victoria 3088, Australia

Assignee: **MOLECULAR PLANT BREEDING NOMINEES LTD**
of Waite Building, Waite Campus, PMB 1, Glen Osmond, South Australia 5064, Australia

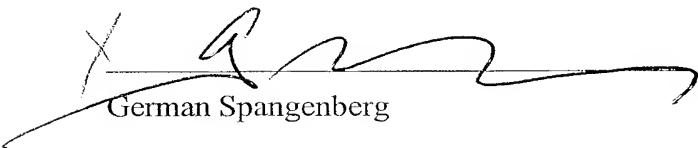
Intellectual Property: Australian Patent Application No 2003903132 filed on 20 June 2003 entitled "Plant promoter", the invention(s) described in that application and the right to file further applications for invention(s), including applications in foreign countries, described in that application.

International Patent Application filed on 18 June 2004 entitled "Nucleic acid molecule capable of modifying pollen-specific expression" and claiming convention priority from Australian Patent Application No 2003903132 filed on 20 June 2003.

Executed as a deed:

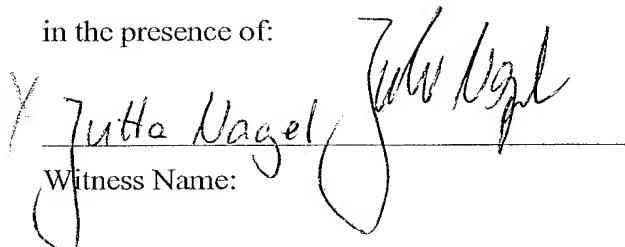
SIGNED SEALED AND DELIVERED by

German Spangenberg



German Spangenberg

in the presence of:

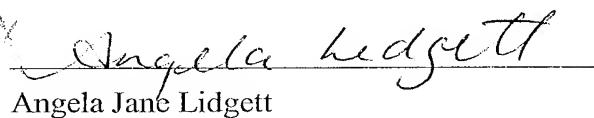


Jutta Nagel Angela Jane Lidgett

Witness Name:

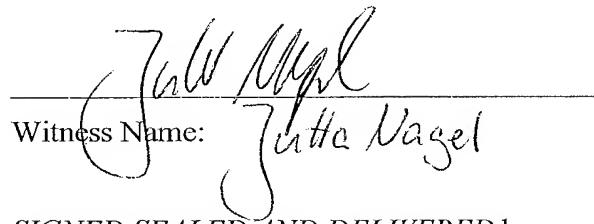
SIGNED SEALED AND DELIVERED by

Angela Jane Lidgett



Angela Jane Lidgett

in the presence of:



Natasha Petrovska Jutta Nagel

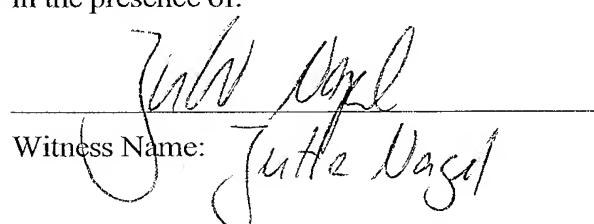
SIGNED SEALED AND DELIVERED by

Natasha Petrovska



Natasha Petrovska

in the presence of:



Jutta Nagel Natasha Petrovska

SIGNED SEALED AND DELIVERED by

Michael Emmerling

Michael Emmerling

in the presence of:

Witness Name:

Jutta Nagel

SIGNED SEALED AND DELIVERED by

MOLECULAR PLANT BREEDING NOMINEES LTD

Name: Cheryl McCaffery

Title: Company Secretary

for and on behalf of Molecular Plant Breeding Nominees Ltd